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Attorney for Plaintiff
BRIAN SETENCICH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN SETENCICH,

Plaintiff,

vs.

THE AMERICAN RED CROSS, a non-profit
corporation, STEVE BROWN, ROBERT
BROWNING and DOES 1 through 30,
inclusive,

Defendants.

CASE NO.: C 07-03688 JCS

**DECLARATION OF JILL P. TELFER IN
SUPPORT OF MOTION TO COMPEL
DEFENDANT THE AMERICAN RED
CROSS TO FURTHER RESPOND TO
PLAINTIFF'S REQUEST FOR
PRODUCTION OF DOCUMENTS, SET
ONE AND PRODUCE DOCUMENTS**

Date: June 3, 2008

Time: 1:00 p.m.

Ctrm: 3

Judge: Hon. Sandra Brown Armstrong

I, JILL P. TELFER DO DECLARE:

1. I am an attorney licensed to practice before this Court. I represent plaintiff Brian Setencich ("Setencich") and have personal knowledge of the facts stated herein unless stated otherwise.

2. Setencich filed his complaint in San Francisco Superior Court on March 13, 2007. Defendant The American Red Cross ("ARC") removed the case to federal court on July 19, 2007.

3. My office served Defendant ARC with Plaintiff's Request for Production of Documents, Set One on February 12, 2008

4. On March 12, 2008, ARC requested an extension to respond to the discovery until March 25, 2008, which I granted. On March 28, 2008, my office received Defendant ARC's Response to Request for Production of Documents, Set One. A true and correct copy of each is attached to the

1 Index of Exhibits as Exhibit 1. Blanket objections were made and no documents were produced.

2 5. On March 27, 2008, I sent a letter to defense counsel informing her I had not received
3 the outstanding discovery responses and documents by the agreed upon deadline and as a result all
4 objections were waived. Attached to the Index of Exhibits as Exhibit 3 is a true and correct copy of
5 the letter.

6 6. On March 31, 2008, I called defense counsel to meet and confer and determine when
7 if any documents would be forthcoming. She stated she was confused by the deadline and thought
8 the discovery responses only had to be put in the mail by March 25, 2008, rather than received by the
9 agreed upon date.

10 7. On April 1, 2008, I sent a meet and confer letter to defense counsel detailing why the
11 objections to the discovery were without merit and documents should be produced. A true and
12 correct copy is attached to the Index of Exhibits as Exhibit 4.

13 8. On Friday April 4, 2008 at approximately 8 p.m. defense counsel faxed a response to
14 my meet and confer efforts. A true and correct copy is attached to the Index of Exhibits as Exhibit
15 5.

16 9. On Monday, April 7, 2008, I again attempted to resolve the discovery dispute by
17 sending another meet and confer letter. A true and correct copy is attached to the Index of Exhibits
18 as Exhibit 6

19 10. At approximately 9:15 p.m. on April 14, 2008, Defendant ARC produced documents
20 Bate Stamped ARC 000059-78. This was approximately 13 hours before the deposition of Defendant
21 Steve Brown.

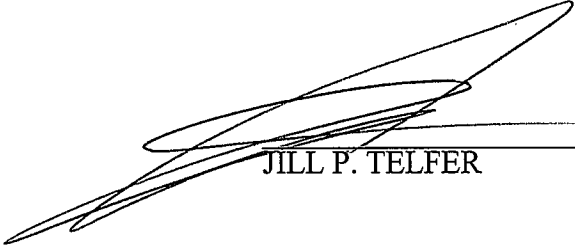
22 11. At the deposition of Defendant Steve Brown in Los Angeles on April 15, 2008,
23 defendant served by hand documents ARC00001-000078.

24 12. On April 22, 2008, less than 24 hours before Robert Browning's deposition, Senior
25 Director of Human Resources for the West Division, where plaintiff applied for employment,
26 defendant ARC produced documents ARC 00093-197 by email and hand served them at the
27 deposition. These documents comprised of the Southern California Region of Blood Service of the
28 American Red Cross' Employee Manual. At no time was ARC's Employee Manual produced.

1 13. Attached to the Index of Exhibits as Exhibit 7 are true and correct copies of excerpts
2 of the deposition of Marc Jackson taken on January 30, 2008.

3 14. Attached to the Index of Exhibits as Exhibit 8 is a true and correct copy of the
4 Performance Improvement Plan which Marc Jackson authenticated at his deposition. Mr. Jackson
5 testified that is the first time in his ten years with ARC that he ever received such a discipline. He
6 further testified the day following notification of the PIP, he received a written verbal warning from
7 Brown and Robert Browning.

8 I declare under penalty of perjury that the foregoing is true and correct and that this
9 declaration was executed under the laws of the State of California on April 25, 2008 at Sacramento,
10 California.

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13 JILL P. TELFER
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PROOF OF SERVICE

CASE: Setencich v. The American Red Cross, et al.
COURT: USDC, Northern District, Oakland Division
CASE NO. C 07-03688 SBA

I declare that I am a citizen of the United States, that I have attained the age of majority, and that I am not a party to this action. My business address is 331 J Street, Sacramento, CA 95814. I am familiar with this firm's practice of collection and processing of correspondence to be deposited for delivery via the U.S. Postal Service as well as other methods used for delivery of correspondence. On the below stated date, in the manner indicated, I caused the foregoing document(s) entitled:

TELFER DECLARATION IN SUPPORT OF MOTION TO COMPEL FURTHER RESPONSES

to be served on the party(ies) or their (its) attorney(s) of record in this action by:

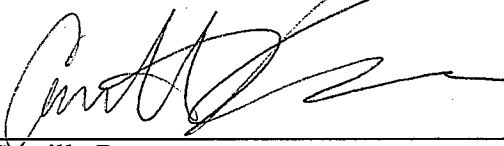
☐ Facsimile transmission to the number(s) noted below.

☒ Placing a true copy thereof in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail and addressed as indicated below. Said documents will be deposited with the U.S. Postal Service at Sacramento, California on this date in the ordinary course of business. I understand that upon motion of a party served service shall be assumed invalid if the postal cancellation date or postage meter date on the envelope is more than one (1) day after the date of deposit for mailing as contained in this declaration.

☐ Hand-delivery addressed to:

Sabrina L. Shadi, Esq.
BAKER & HOSTETLER
12100 Wilshire Boulevard, 15th Floor
Los Angeles, California 90025-7120
fax: (310) 820-8859

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 25, 2008, in Sacramento, California.


Camille Rasmussen